

### **REMARKS**

Claims 1-9 and 19-67 are pending in the present application. Claims 10-18 have been withdrawn pursuant to a restriction requirement. Claims 1-2 have been amended. The rejection is respectfully traversed.

Claims 19-67 are added by way of this amendment. These claims are fully supported by the specification.

Claim 2 was amended to recite species provided on page 2 of the application, and these amendments are fully supported by the specification, and thus do not comprise new matter.

### **RESTRICTION REQUIREMENT**

The Examiner has imposed a restriction requirement directed to Group I claims 1-9 and group II claims 10-18. At this time Applicants elect with traverse to prosecute the claims of Group I. Applicants also respectfully request reconsideration of the restriction requirement on grounds that concurrent examination of both claim groups should not give rise to any undue burden.

### **ANTICIPATION REJECTIONS**

Claims 1-9 stand rejected under section 35 U.S. C. 102(e) based upon United States Patent Number 6,541,554 to Morin et al ("Morin" or the "Morin patent") alone or optionally taken with Zhao (6,559,211). Continued rejection on this basis is respectfully traversed on grounds that the cited art does not appear to disclose each and every limitation of the claims, and therefore there is no anticipation of the amended claims.

The claims 1-9 and 19-27 set forth above specify a particular polypropylene tape fiber. The tape fiber of the invention of these particular claims comprises:

- (1) between about 2000 ppm and about 5000 ppm of a nucleator compound; and
- (2) a fiber which exhibits a tensile strength of at least 3 grams/denier; and
- (3) a specific shrinkage rate of less than about 4%.

The above three limitations are not all present in Morin, and thus there can be no section 102 anticipation of the invention of claims 1-9 and 19-27. For example, Table 7 of Morin shows hot air shrinkage ranging from about 4.0% to about 24.8% or more. Zhao also does not disclose these limitations.

Independent claim 28 (and dependent claims 29-40) specifically provide for about 2000-5000 ppm nucleator compound as mentioned above, but also with a limitation that the secant modulus is greater than about 24 g/den. The characteristics specified in these claims also are not shown in the Morin or Zhao art of record.

Independent claim 41 (and dependent claims 42-53) provide for about 2000-5000 ppm nucleator, as mentioned above, plus also a shrinkage rate percentage limitation, and a 3% secant modulus. This invention (and these claim limitations) is not disclosed in either Morin or Zhao.

Independent claim 55 recites specifically about 2000-5000 ppm nucleating agent, with a tenacity level of greater than about 2.5 gmf/den and a 3% secant modulus of greater than about 24 g/den. This invention is not specified or taught in Morin, or in Zhao. There simply can be no anticipation of these claims 55-67 by Morin or Zhao.

Absent a specific finding of each element of a claimed invention specifically taught or shown in a prior art reference, there can be no anticipation. Furthermore,

since Morin and the present application have at all times been commonly owned, there can be no obviousness by statute (See 35 USC Section 103(c)).

Thus, a full case for anticipation must be shown in the Office Action for each independent claim. It is respectfully submitted that no such specific teachings have been identified as would anticipate each and every element of the claims, as presented.

In order to progress prosecution, if a terminal disclaimer is requested due to obviousness-type double patenting, Applicants are willing and able to submit such a document. Should any issues remain after consideration of this Amendment, the Examiner is invited and encouraged to telephone the undersigned attorney at his convenience.

**Information Disclosure Statement:**

A supplemental Information Disclosure Statement accompanies this response. It is requested that each reference in the enclosed Information Disclosure Statement be considered. A notation with the examiner's initials showing his or her consideration of each such reference is requested.

**Fee Authorization:**

In the event that there are additional fees associated with the submission of these papers, Applicant hereby authorizes the Commissioner to withdraw fees from Deposit Account No. 04-0500.

**Extension of Time:**

In the event that any extension of time is required to have the papers submitted herewith for the above referenced application to be considered timely, Applicant hereby

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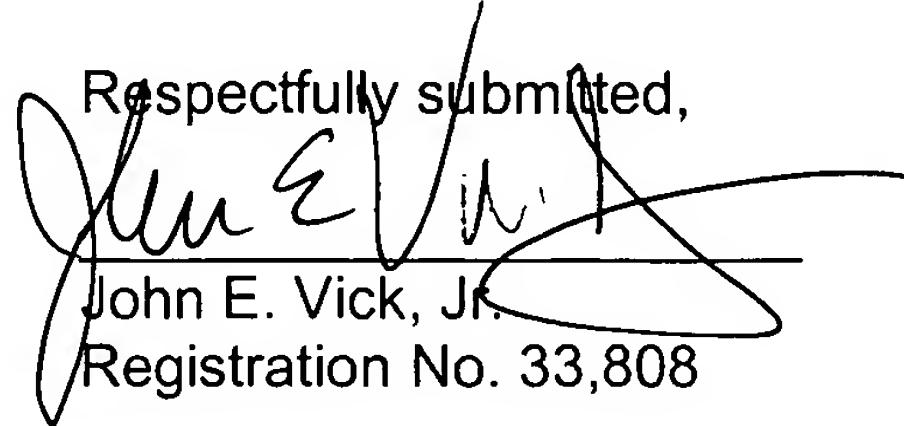
Inventor(s): Morin et al.

U.S. PTO Customer No. 25280

Case No.: 5514A

petitions for such extension of time as is required to make these papers timely and authorization is hereby granted to withdraw any additional fees necessary for such extension from Deposit Account No. 04-0500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John E. Vick, Jr.", is written over a horizontal line. The signature is fluid and cursive.

John E. Vick, Jr.

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